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B1, 1.4(B), 1.4(D), B5

S E C R E T BERLIN 004151

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FOR THE ATTORNEY GENERAL FROM THE AMBASSADOR

E.O. 12958: DECL: 12/15/2014

TAGS: KJUS, PREL, PTER, GM

SUBJECT: SCENESETTER: YOUR VISIT TO BERLIN

REF: BERLIN 4100

Classified By: The Ambassador, Reasons: 1.4(b) and (d)

1. (C) Summary/Introduction. Mr. Attorney General, welcome back to Berlin. Your visit is an excellent opportunity to advance U.S. counter-terrorism priorities, right when Germany has focused on our common challenges and when our leaders have committed to improve trans-Atlantic relations. Interior Minister Otto Schily greatly looks forward to returning your hospitality. A number of thorny issues, however, fall under him and Justice Minister Brigitte Zypries.

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Zypries is likely to raise the difficulty in reaching agreement on the U.S.-German "instrument" to the U.S.-EU Agreement on Mutual Legal Assistance (AMLA). End Summary and Introduction.

The German Counter-Terrorism Landscape

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
CLASSIFICATION: SECRET REASON: 1.4(B), 1.4(D)
DECLASSIFY AFTER: 15 DEC 2024
DATE/CASE ID: 13 MAY 2009 200706444

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2. (C) The German media spotlight continues to be on terrorism. On December 7, the German courts upheld Minister Schily's 12 October deportation of Turkish Islamic extremist Metin Kaplan. On December 3, German security officials made arrests to prevent an alleged attack on visiting Iraqi Prime Minister Allawi. Also on December 3, German courts upheld Schily's 2003 ban of the Al Aqsa Foundation for supporting HAMAS. That evening, German law enforcement agents raided Al Aqsa's premises. During the week of November 29, U.S. Dept of Justice investigators interviewed Shadi Abdallah, currently in a German witness protection program and under police protection. (In a press interview, Abdallah's attorney said that DoJ was seeking Abdallah's testimony in the Moussaoui trial.) In Hamburg the Motassadeq retrial generates regular media coverage and occasional headlines such as the recent allegation that a German government agency informed Spanish intelligence counterparts that Ramzi Binalshibh was flying to Spain on July 9, 2001 to meet with Mohammed Atta. The cooperation in the fight against terrorism was a central theme when Secretary Ridge visited Berlin to meet with Schily Sept. 17 and to take part in a ceremony to award him a prize for advancing transatlantic cooperation.

3. (C) All of these developments take place against the backdrop of the Interior Minister's struggle with the state ("Laender") governments and his own bureaucracy to increase the authority of his disparate law enforcement and intelligence agencies. These developments also come in the weeks following the Theo van Gogh assassination in Amsterdam, which was followed by an arson attack on a German mosque as well as much German introspection on the rights and obligations of immigrants and some pressure for action. Proposals range from requiring imams to preach in German and requiring mosques to register, to banning headscarves, and to denying naturalization and visas to extremists.

Your Meeting with Zypries - German Agenda

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5. (S) It would be useful to respond that bilateral

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cooperation, including informal cooperation, is strong, and you hope for more.

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6. (S) Our ruling out of access to detainees Khalid Sheikh Mohammed and Binalshibh has been an issue in the handling of the case of UN-listed terrorist Shadi Abdallah. He has been released after serving one year of his four-year prison term.

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7. (C) Germany and the United States both have formal annual legal dialogues with international partners, but we do not have such a dialogue with each other. Germany recently proposed such a dialogue, so Zypries may raise it with you. On the U.S.-German MLAT, both the U.S. Senate and the German parliament need to ratify the texts. With respect to the U.S.-German instrument for the entry into force of the U.S.-EU AMLA, some outstanding differences prevented a signing during your visit.

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Your Meeting with Zypries - U.S. Agenda

8. (C) Germany and several other EU countries have a

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9. (C) The USG has only just begun to analyze the implications of the recently filed legal complaint seeking criminal charges against Secretary Rumsfeld and other USG officials. The German Federal Prosecutor, who falls under the Justice Ministry, is proceeding with a preliminary evaluation of the complaint filed by U.S. and German NGOs, on allegations connected to Abu Ghraib.

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Your Meeting and Dinner with Schily - German Agenda

10. (C) Schily sincerely looks forward to spending a significant amount of time with you and returning the hospitality you showed him in Washington.

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Your Meeting and Dinner with Schily - U.S. Agenda

11. (C)

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Many EU ministers resisted his call for sharing of biometric data to fight terrorism, so he is moving forward with those countries who agreed with him: the Benelux and Austria with the notion of bringing along the rest of the EU 25 later.

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12. (C) Schily has proposed that the German parliament pass a third post-9/11 package of counter-terror legislation, including granting the BKA additional authority. On December 1, Schily achieved another goal by establishing a central counter-terrorism center (CTC) in Berlin.

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14. (U) Marsha, I, and the Embassy staff all look forward to seeing you soon in Berlin.
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